REMARKS

Claims 9-12 have been canceled. Claims 1-8 remain pending in the application. Applicants amend claims 1-2, 4, and 6-7 for further clarification, and refer to Fig. 6 and its corresponding description in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,634,012 to Stefik et al.; and claims 2-5 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stefik et al. in view of U.S. Patent No. 5,872,588 to Aras et al. Applicants amend claims 1-2, 4, and 6-7 in a good faith effort to further clarify the invention, and respectfully traverse the rejections.

The Examiner, again, maintained that the description in Stefik et al. of metering usage rights attached to a digital work ['functioning to cause'] the metering and clock functions to occur in the credit server" discloses the claimed feature of digital information itself, which is embedded in content, providing functionality to a user terminal to, say, monitor and store utilizing history. Page 3, lines 14-17 of the Office Action.

Applicants, again, respectfully submit that the above is still merely a simple causation, and fails to disclose or even suggest the claimed feature of "digital information itself including functionality."

Once again, the technique described in the cited portions of Stefik et al. is specifically rooted in usage rights being permanently attached to digital works, and "enforcement elements" being "embodied in repositories." Please see, e.g., col. 6, lines 50-60 of Stefik et al. Such repositories, which are beyond a digital work user's access, "control access to the digital works, bill for access to digital works and maintain the security and integrity of the system." Col. 6, lines 58-60 of Stefik et al.

Indeed, Stefik et al. only describe,

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> "***Repository 1* checks the usage rights** associated with
> the digital work to determine if the access to the digital work
> may be granted, step 105. The check of the usage rights
> essentially involves a determination of whether a right
> associated with the access request has been attached to the
> digital work and if all conditions associated with the right are
> satisfied. If the access is denied, repository 1 terminates the
> session with an error message, step 106. If access is granted,
> repository 1 transmits the digital work to repository 2, step 107.
> Once the digital work has been transmitted to repository 2,
> repository 1 and 2 each generate billing information for the
> access which is transmitted to a credit server, step 108. Such
> double billing reporting is done to insure against attempts to
> circumvent the billing process." Col. 7, lines 24-37 of Stefik et
> al. (Emphasis added)

And, correspondingly, Stefik et al. describe: "the repository 201 has two modes of

operation; a server mode and a requester mode." Col. 7, lines 44-46 of Stefik et al.

Thus, the "metering and clock functions" taken from Stefik et al. by the Examiner rely

upon a repository in a "server mode" to check usage rights and serve content (digital works)

to a repository in a "requester mode." Please see steps 1803-1818 performed by "Server" in

Fig. 18 of Stefik et al. Such functions are generally opaque to a user requesting the digital

works, and the repositories perform the "Session Initiation Transactions," "Billing

Transactions," and "Usage Transactions" without user input.

Thus, with the authentication and usage control already embedded in secure entities or

"enforcement elements"—i.e., repositories—Stefik et al., at most, describe usage rights as

parameters "[defining] how the digital work may be used or further distributed" as enforced

by the secure functionality provided by these "enforcement elements." Abstract and col. 6,

lines 50-60 of Stefik et al. As illustrated in Fig. 15 of Stefik et al., the usage rights only

include a number of parameters and references that rely upon predefined secure functions

performed by the "enforcement elements," as illustrated in Figs. 16-18 of Stefik et al., to

make use of such parameters accordingly. In other words, the usage rights do not themselves

include any functionality, but they merely provide bases for call functions already defined in

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the entities that refer to those usage rights for performing functions according to parameters defined in the usage rights.

Furthermore, <u>Stefik et al.</u>, as cited and relied upon by the Examiner, only describe discrete processing for a particular digital work being requested per transaction, and, thus, clearly fail to disclose the claimed features of processing a plurality of contents, in each of which digital information is embedded, to one archive data, encrypting the archive data and adding an attribute data to the archive data, distributing the archive data and attribute data, and identifying, counting, and billing for the contents thus distributed.

And correspondingly, <u>Stefik et al.</u> only describe transaction-based processing, and thus, fail to disclose the claimed features of functionality for storing contents utilizing history being provided to a user terminal via digital information respectively embedded in archived contents, and such contents utilizing history being stored permanently at the user terminal for gathering as long as the contents is utilized. An exemplary embodiment of this feature is clearly described as follows:

> "The history of utilization of contents in this embodiment is not a single history recorded at a time of <u>transaction</u> of contents, a time of decryption, or a time of installation as conventionally used, but is stored permanently as long as the contents is utilized." Page 25, lines 26-29 of the specification. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over <u>Stefik et al.</u> for at least the foregoing reasons. Claim 6 incorporates features that correspond to those of claim 1 described above, and are, therefore, patentable over <u>Stefik et al.</u> for at least the same reasons.

The Examiner cited <u>Aras et al.</u> as a combining reference to specifically address the respective additional features recited in claims 2-5 and 7-8. And claims 2, 4, and 7 incorporate features that correspond to those of claim 1 described above. As such, a

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combination with <u>Aras et al.</u> would still have failed to cure the above-described deficiencies

of <u>Stefik et al.</u>, even assuming, <u>arguendo</u>, that such a combination would have been obvious

to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants

respectfully submit that claims 2, 4, and 7, together with claims 3, 5, and 8 dependent

therefrom, respectively, are patentable over the cited references for at least the above-stated

reasons.

In view of the remarks set forth above, this application is in condition for allowance

which action is respectfully requested. However, if for any reason the Examiner should

consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a

further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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